

**RULE 44. CASES INVOLVING CONSTITUTIONAL QUESTIONS
WHERE STATE IS NOT A PARTY**

If a party questions the constitutionality of an Act of the Legislature in any proceeding, including civil and criminal matters, in which the state or its agency, officer, or employee is not a party in an official capacity, the questioning party [~~shall~~] must give written notice to the clerk of the Supreme Court immediately upon the filing of the docketing statement or as soon as the question is raised in the court. The clerk [~~shall~~] must then certify that fact to the Attorney General.